



500.34894CC5

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): J. KOSAKA, et al  
Serial No.: 10/726,504  
Filed: December 4, 2003  
For: OPTICAL AMPLIFIER  
Group: 3663  
Examiner: N. Moskowitz

**RESPONSE**

Mail Stop Response  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 11, 2004

Sir:

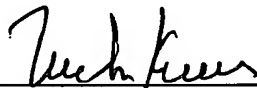
The following remarks are respectfully submitted in connection with the above-identified application in response to the Office Action dated April 27, 2004.

The Examiner has rejected claims 2-6 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,038,062 or claims 1-4 of U.S. Patent No. 5,864,423, and as recognized by the Examiner, such rejections can be overcome by the filing of a Terminal Disclaimer. In order to expedite the prosecution of this application without acquiescing in the propriety of the rejection as set forth by the Examiner, applicants submit herewith a Terminal Disclaimer and the appropriate fee therefor, such that this rejection should now be overcome.

In view of the above remarks and the submission of the Terminal Disclaimer, applicants submit that this application should now be in condition for allowance, and issuance of a Notice of Allowance is respectfully requested.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (500.34894CC5) and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Melvin Kraus", is written over a horizontal line.

Melvin Kraus

Registration No. 22,466

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